

ENTERED

October 15, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

JANET LYNN PELC, D/B/A
RESTORE RENEW, ET AL.,

Plaintiffs.

VS.

AMY HOWARD, ET AL.,

Defendants.

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CIVIL ACTION NO. 3:18–CV–00205

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

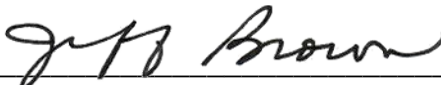
On September 3, 2019, Defendants' Partial Motion for Summary Judgment on Plaintiffs' Causes of Action for Breach of Contract and Attorney's Fees (Dkt. 31) and Defendants' Partial Motion for Summary Judgment on Plaintiffs' Causes of Action for Common-Law Fraud and Violations of DTPA (Dkt. 32) were referred to United States Magistrate Judge Andrew M. Edison pursuant to 28 U.S.C. § 636(b)(1)(B). Dkt. 35. On September 24, 2019, Judge Edison filed a Memorandum and Recommendation (Dkt. 52) recommending that Defendants' Partial Motion for Summary Judgment on Plaintiffs' Causes of Action for Breach of Contract and Attorney's Fees (Dkt. 31) and Defendants' Partial Motion for Summary Judgment on Plaintiffs' Causes of Action for Common-Law Fraud and Violations of DTPA (Dkt. 32) be denied.

No objections have been filed to the Memorandum and Recommendation. Accordingly, the Court reviews the Memorandum and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also*, FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, the Court orders that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 52) is approved and adopted in its entirety as the holding of the Court;
- (2) Defendants' Partial Motion for Summary Judgment on Plaintiffs' Causes of Action for Breach of Contract and Attorney's Fees (Dkt. 31) is denied; and
- (3) Defendants' Partial Motion for Summary Judgment on Plaintiffs' Causes of Action for Common-Law Fraud and Violations of DTPA (Dkt. 32) is denied.

Signed and entered this 15 day of October, 2019.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE